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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/700,738

11/04/2003

Brian Pope

MDX-297

4966

26875 7590 04/24/2012
WOOD, HERRON & EVANS, LLP
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CINCINNATI, OH 45202

EXAMINER

GILBERT, ANDREW M

ART UNIT

PAPER NUMBER

3767

MAIL DATE

DELIVERY MODE

04/24/2012

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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| 10/700,738 | 04 November, 2003 | POPE ET AL. | MDX-297 |

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| | | ANDREW GILBERT | |
| | | ART UNIT | PAPER |
| | | 3767 | 20120419 |

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Commissioner for Patents

The information disclosure statement (IDS) submitted on 10/6/2009 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Accordingly, the IDS filed on 10/6/2009 has been attached to this PTO-90C communication.

In the Notice of Allowance mailed on 1/23/2012 the examiner noted that the IDS filed on 10/6/2009 had three references that failed to comply with 37 CFR 1.98(a)(2), which required a legible copy of each foreign patent document. However, upon further review, 37 CFR 1.98(c) states "When the disclosures of two or more patents or publications listed in an information disclosure statement are substantively cumulative, a copy of one of the patents or publications as specified in paragraph (a) of this section may be submitted without copies of the other patents or publications, provided that it is stated that these other patents or publications are cumulative." 37 CFR 1.98(c), since it does not specify U.S. patents only, has been interpreted to include foreign patent documents and allow submission of the foreign patent documents without copies, provided that it is stated that these other patents or publications are cumulative.

In the Remarks accompanying the "Sixth Supplemental Information Disclosure Statement" dated 10/6/2009, the applicant properly stated that these three foreign patent documents were cumulative to their U.S. patent document counter-part. Accordingly, the three references have been considered.

/KEVIN C. SIRMONS/
Supervisory Patent Examiner, Art Unit 3767

/Andrew M. Gilbert/
Examiner, Art Unit 3767